

ASSEMBLY BILL

No. 896

Introduced by Assembly Member Eggman

February 22, 2013

An act to add Section 1506 to the Fish and Game Code, relating to wildlife management.

LEGISLATIVE COUNSEL'S DIGEST

AB 896, as introduced, Eggman. Wildlife management areas: mosquito abatement.

(1) Existing law provides for the formation of mosquito abatement and vector control districts, and prescribes the powers, functions, and duties of those districts, as specified. The existing Fish and Game Code authorizes the Department of Fish and Wildlife to take specified actions to protect, restore, rehabilitate, and improve fish and wildlife habitat.

Statutory provisions that were repealed on January 1, 2010, required a mosquito abatement and vector control district whose boundaries include one or more wildlife management areas to periodically, or at least semiannually, notify the department of those areas that exceed locally established mosquito population thresholds and associated mosquito control costs. These provisions required the department to take specified actions with regard to the control and abatement of mosquitos in those wildlife management areas. These provisions required those mosquito abatement and vector control districts, in consultation with the department, to develop standardized monitoring procedures for mosquito surveillance, as prescribed, for each managed wetland habitat at each wildlife management area, and to provide an annual report to the department of pesticide use in those habitats and areas, as specified.

This bill would permanently reenact those provisions. This bill would also make nonsubstantive conforming changes. By imposing new duties on local agencies with regard to mosquito control and abatement practices in wildlife habitat areas, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1506 is added to the Fish and Game Code,
2 to read:
3 1506. (a) (1) It is the intent of the Legislature to control
4 mosquito production on managed wetland habitat that is owned
5 or managed by the department, in a manner that does all of the
6 following:
7 (A) Maintains or enhances the waterfowl and other wildlife
8 values of that habitat.
9 (B) Minimizes financial costs to the department and local
10 mosquito abatement and vector control districts.
11 (C) Reduces the need for chemical treatment or other
12 nonecological control of mosquitos.
13 (D) Increases coordination and communication between the
14 department, local mosquito abatement and vector control districts,
15 and the State Department of Public Health.
16 (E) Maintains and protects humans, domestic animals, and
17 wildlife from vector-borne diseases such as West Nile virus.
18 (2) The Legislature further finds and declares that the
19 implementation of mosquito prevention best management practices
20 on managed wetland habitat is critical to the department's effort
21 to reduce mosquito production on its wildlife management areas.
22 (b) For purposes of this section, the following definitions apply:
23 (1) "Managed wetland habitat" means artificially irrigated and
24 intensively managed wetland habitat administered primarily for
25 the benefit of waterfowl and other wetland-dependent species.

1 (2) “Best management practices” means management strategies
2 jointly developed by the department, the State Department of Public
3 Health, and mosquito abatement and vector control districts, in
4 consultation with the Central Valley Habitat Joint Venture, for the
5 ecological control of mosquitoes on managed wetland habitat.

6 (3) “Wildlife management area” has the same meaning as set
7 forth in subdivision (d) of Section 1504.

8 (4) “Mosquito abatement and vector control district” has the
9 same meaning as set forth in subdivision (f) of Section 2002 of
10 the Health and Safety Code.

11 (c) (1) A mosquito abatement and vector control district whose
12 district boundaries include one or more wildlife management areas
13 shall periodically, or at least semiannually, notify the department
14 of those areas that exceed locally established mosquito population
15 thresholds and associated mosquito control costs. The district shall
16 provide the basis for the established thresholds to the department.
17 Those thresholds and costs may be reviewed by the State
18 Department of Public Health for conformity to generally acceptable
19 mosquito control standards.

20 (2) In order to reduce mosquito production at those wildlife
21 management areas described in paragraph (1), the department shall
22 do all of the following:

23 (A) Identify best management practices for each applicable
24 wildlife management area that, when implemented, would result
25 in the mosquito population being reduced below the locally
26 established threshold value while maintaining and enhancing the
27 waterfowl and other wildlife values of that habitat.

28 (B) In consultation with the local mosquito abatement and vector
29 control district, develop and implement a mosquito control plan
30 that applies the best management practices and any other necessary
31 management practices at each applicable wildlife management
32 area.

33 (C) If capital improvements or other infrastructure are required
34 to implement selected best management practices at a wildlife
35 management area, the department shall work to secure any
36 necessary funding through the board or other appropriate sources.

37 (D) In coordination with the local mosquito abatement and
38 vector control district, develop each spring an annual work plan
39 for each wildlife management area that specifies the intended
40 management activities for each unit of the wildlife management

1 area and that, to the extent practicable, employs best management
2 practices.

3 (E) Implement the best management practices referenced in the
4 annual work plan to the greatest extent possible, recognizing that
5 unanticipated modifications to those plans are often necessary due
6 to the uncertainty of water availability, water conveyance problems
7 associated with beaver, muskrat and other animal activity, ditch,
8 levee or pump failures, equipment breakdowns, rainfall or
9 runoff-induced natural flooding, and other factors beyond the
10 control of the department's wetland managers, all of which may
11 require periodic alteration of wetland management plans.

12 (F) Meet with the local mosquito abatement and vector control
13 district each summer to coordinate fall flooding of managed
14 wetland habitat at each applicable wildlife management area and,
15 if chemical treatment or other nonecological control is necessary,
16 conduct post-fall flooding meetings to discuss the refinement of
17 best management practices.

18 (G) If the wetland occupies land outside the jurisdictional
19 boundaries of a mosquito abatement and vector control district,
20 the department may consult with the State Department of Public
21 Health to determine which best management practices can be
22 implemented in the absence of an organized local mosquito control
23 program.

24 (d) A mosquito abatement and vector control district whose
25 boundaries include a wildlife management area described in
26 paragraph (1) of subdivision (c) shall do all of the following:

27 (1) In consultation with the department, develop standardized
28 monitoring procedures for mosquito surveillance for each managed
29 wetland habitat at each wildlife management area, and, when the
30 monitoring procedures are completed, provide a copy of the
31 procedures to the department. These procedures may be reviewed
32 by the State Department of Public Health for conformity to
33 generally accepted mosquito control standards.

34 (2) Conduct posttreatment monitoring of wildlife management
35 area lands and develop performance criteria to document mosquito
36 control effectiveness.

37 (3) Provide an annual report to the department specifying the
38 types and quantities of pesticides used, types of habitat sprayed,
39 and the total number of acres treated in a wildlife management
40 area. The annual report shall also include recommendations for

1 the refinement of best management practices to reduce the need
2 for any chemical treatment or other nonecological control.
3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 a local agency or school district has the authority to levy service
6 charges, fees, or assessments sufficient to pay for the program or
7 level of service mandated by this act, within the meaning of Section
8 17556 of the Government Code.

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